



RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), AS AMENDED, RELATING TO INVESTIGATIONS AND REPORTS OF THE HONOLULU POLICE COMMISSION.

WHEREAS, Section 6-1606 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), sets forth the powers, duties, and functions of the Police Commission ("Commission") of the City and County of Honolulu ("City"); and

WHEREAS, the Council believes that collaborative and dependable communication throughout the City and County of Honolulu, including between the Commission and the Honolulu Police Department ("HPD"), is imperative in order for the City to efficiently exercise the powers and accomplish the purposes expressed in Charter Sections 2-101 and 2-102; and

WHEREAS, Charter Section 6-1606(d) requires the Commission to "[r]eceive, consider and investigate charges brought by the public against the conduct of the [police] department or any of its members and submit a written report of its findings to the chief of police. . . "; and

WHEREAS, for any investigation reported by the Commission to the Chief of Police ("Chief"), Charter Section 6-1606(d) only requires that "[i]f the chief of police disagrees with the findings of the police commission, the chief shall submit the reasons in writing to the police commission"; and

WHEREAS, the Council believes that the Commission (and the public) should be apprised of dispositions and disciplinary actions imposed by the Chief related to all other matters investigated and reported to the Chief, in addition to receiving responses for those matters where the Chief disagrees with the Commission's findings; and

WHEREAS, the Council believes that the Commission is fulfilling the part of its mission statement that calls for maintaining "a meaningful, fair and effective system of complaint procedure whereby complaints . . . are received, considered, investigated and resolved," however, there is presently inadequate communication between the HPD and the Commission regarding the facts and circumstances of these investigations and their final dispositions; and

WHEREAS, pursuant to recently enacted changes to provisions of Section 52D-3.5 of the Hawaii Revised Statutes, the Chief is required to submit to the Legislature an



RESOLUTION

annual report of misconduct incidents that have resulted in the suspension or discharge of a police officer, including a summary of the facts and nature of the misconduct, as well as the specific disciplinary action imposed, for each incident; and

WHEREAS, Charter Section 6-1606(c) requires the Commission to "[s]ubmit an annual report to the mayor and the city council"; and

WHEREAS, the Council believes that the Commission's annual report to the Mayor and the Council should also be provided to the Chief of Police and include, in addition to the material currently included, any budgetary or policy recommendations by the Commission for improving HPD operations, which recommendations may include those relating to protecting the health and safety of HPD personnel and the public, streamlining HPD administration, increasing HPD and officer accountability, enhancing HPD transparency, and improving HPD's relations with the community; and

WHEREAS, the Council believes that within a year of the Commission's inclusion of a recommendation in its annual report, the Chief should be required to report in writing whether the HPD has implemented or will implement the recommendation, and if the recommendation has not and will not be implemented, the reasons for that determination; and

WHEREAS, numerous municipalities across the United States have pursued improved communication and transparency in the handling of police misconduct matters, and the Council believes the appearance and assurance of accountability by transparent and thorough reporting is critical for governmental efficiency and collaboration, and public confidence and trust in the HPD; and

WHEREAS, the Council also believes that clarifying the Commission's authority, and expanding the scope of the Commission's reporting will provide for improved communication, transparency, and accountability, and align with the part of the Commission's mission statement calling for it to "[e]nhance the public confidence, trust and support in the integrity, fairness and respect of the police department, its officers and employees"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

"Shall the Revised City Charter be amended to:



RESOLUTION

1. Provide that the annual report submitted by the Police Commission to the Mayor and the City Council must also be provided to the Chief of the Honolulu Police Department ("HPD") and must include any budgetary or policy recommendations the Commission made to the Police Chief during the prior year and any additional information required by law, including those recommendations relating to protecting the health and safety of HPD personnel and the public, streamlining HPD administration, increasing HPD and officer accountability, enhancing HPD transparency, and improving HPD's relations with the community;
 2. Require that within a year of any budgetary or policy recommendation made to the Police Chief by the Police Commission, the Chief must provide a written report to the Commission on whether and how the Chief or the Police Department has implemented or will implement the recommendation, and if the Chief and the HPD will not implement the recommendation, the reasons therefor;
 3. Require that once the Police Commission has investigated and reported its findings to the Police Chief on charges brought by the public against the Police Department or any member thereof, or any public complaint regarding law enforcement activities in the City, the Chief must submit a written report to the Commission, the Mayor, and the City Council of any actions taken in response to the Commission's findings, including the reasons for such actions;
 4. Require that the Police Chief's annual summary of charges brought by the public against the Police Department or any member thereof also include a summary of public complaints investigated, and a summary of the dispositions of the charges brought by the public, including the disciplinary actions taken by the Chief in response to the charges; and
 5. Require that written reports of the Police Commission's findings, and the Police Chief's responses to the findings, be redacted as necessary or appropriate, and made available to the public, unless otherwise prohibited by law?"
2. That Section 6-1606 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, be amended to read as follows:

"Section 6-1606. Powers, Duties, and Functions of Police Commission –



RESOLUTION

The police commission shall:

- (a) Adopt such rules as it may consider necessary for the conduct of its business and review rules and regulations for the administration of the department.
- (b) Review the annual budget prepared by the chief of police and may make recommendations thereon to the mayor.
- (c) Submit an annual report to the mayor ~~[and]~~, the city council~~[-]~~, and the chief of police that includes any budgetary or policy recommendations made by the commission to the chief of police during the prior year and any other information as may be required by this charter or by other federal, state, or city law, including recommendations relating to protecting the health and safety of police personnel and the public, streamlining administration of the police department, increasing accountability of the department and its personnel, enhancing departmental transparency, and improving the department's relations with the community.
- (d) Receive, document, consider, and investigate charges brought by the public against the conduct of the department or any of its members, and submit a written report of its findings to the chief of police. ~~[If the chief of police disagrees with the findings of the police commission, the]~~ The chief shall [submit the reasons in writing to the police commission.] submit a written report to the commission of any actions taken by the chief or the police department in response to any findings reported by the commission relating to such charges, including the reasons for such actions. Written reports of the commission's findings provided to the chief and written reports of the chief's responses to the commission's findings, shall be redacted as necessary or appropriate, and made available to the public, unless otherwise prohibited by law. [—] A summary of the charges filed and their ~~[disposition]~~ dispositions, including any disciplinary actions taken, shall be included in the annual report of the commission.
- (e) The police commission may issue subpoenas and require the attendance of witnesses and the production of evidence pertinent to the investigation and administer oaths to such witnesses to the extent permissible by law and pursuant to Section 13-114.



RESOLUTION

- (f) Review and, if deemed necessary, make recommendations on the five-year plan and any update of goals and objectives for the police department which is submitted by the chief of police. The commission shall not have the power to approve, modify, or reject the plan or any update.
- (g) Compare at least annually the actual achievements of the police department against the goals and objectives in the five-year plan or latest update submitted by the chief of police.
- (h) Evaluate at least annually the performance of duties by the chief of police.

Except for purposes of inquiry or as otherwise provided in this charter, neither the commission nor its members shall interfere in any way with the administrative affairs of the department."

- 3. That in Section 2, Charter material to be repealed is bracketed and stricken and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973, the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.
- 4. That if these Charter provisions are amended by any other Charter amendment(s) approved by the voters at the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Revised Charter:
 - a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and
 - b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved; and

The Revisor of the Charter also may change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

- 5. That upon adoption of this resolution by the Council, the City Clerk is hereby directed:



RESOLUTION

- a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the voters at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the voters at the same election; and
 - b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the voters at the 2022 general election.
6. That upon approval of the Charter amendment question posed in this resolution by a majority of the voters voting thereon, as duly certified, the Charter amendments proposed in this resolution shall take effect on January 1, 2023.

INTRODUCED BY

Young Wata

DATE OF INTRODUCTION:

FEB 17 2022

Honolulu, Hawai'i

Councilmembers